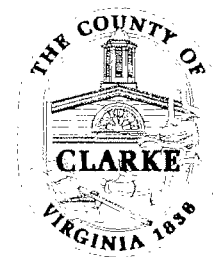


**CLARKE COUNTY
PLANNING COMMISSION
MINUTES
2011 January 7**



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Town/County Joint Government Center, Berryville, Virginia, on Friday, 2011 January 7.

ATTENDANCE

George Ohrstrom, II; Chair; Anne Caldwell, Vice Chair; Clay Brumback, Tom McFillen, Cliff Nelson, Chip Steinmetz, Richard Thuss.

ABSENT

A.R. Dunning, Jr., Bev McKay, and Bob Wade. (one position vacant)

STAFF

Charles Johnston, AICP, Planning Director; Jesse Russell, Zoning Administrator, and Debbie Bean, Recording Secretary.

Mr. Johnston, as clerk to the Commission, called the meeting to order at 9:03 a.m, as it was the first Commission meeting of the calendar year when election of officers is conducted.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Johnston asked for nominations of Chair to the Commission.

The Commission voted unanimously to elect Commissioner Ohrstrom as Chair to the Planning Commission for 2011.

Yes: Brumback, Caldwell (moved), McFillen (seconded), Nelson, Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Dunning, McKay, and Wade (one position vacant)

Mr. Johnston asked for nominations of Vice Chair to the Commission.

The Commission voted unanimously to elect Commissioner Caldwell as Vice Chair to the Planning Commission for 2011.

Yes: Brumback (moved), Caldwell, McFillen, Nelson, Ohrstrom, Steinmetz (seconded), and Thuss

No: No one

Absent: Dunning, McKay, and Wade (one position vacant)

COMMITTEE ASSIGNMENTS FOR 2011

The Commission voted unanimously to approve the 2011-committee assignments with one change. Commissioner Steinmetz will be on the Berryville Area Plan instead of Commissioner McFillen.

Yes: Brumback, Caldwell, McFillen (moved), Nelson, Ohrstrom, Steinmetz, and Thuss (seconded)

No: No one

Absent: Dunning, McKay, and Wade (one position vacant)

2010 MEETING SCHEDULE

The Commission voted unanimously to approve the meeting schedule for 2011 as presented.

Yes: Brumback, Caldwell (moved), McFillen, Nelson, Ohrstrom, Steinmetz, and Thuss (seconded)

No: No one

Absent: Dunning, McKay, and Wade (one position vacant)

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda.

Yes: Brumback, Caldwell, McFillen (moved), Nelson, Ohrstrom, Steinmetz (seconded), and Thuss

No: No one

Absent: Dunning, McKay, and Wade (one position vacant)

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing meeting minutes of 2010 November 30.

Yes: Brumback, Caldwell (seconded), McFillen, Nelson (moved), Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Dunning, McKay, and Wade (one position vacant)

The Commission voted unanimously to approve the regular meeting minutes of 2010 December 3.

Yes: Brumback, Caldwell (moved), McFillen (seconded), Nelson, Ohrstrom, Steinmetz and Thuss

No: No one

Absent: Dunning, McKay, and Wade (one position vacant)

MAJOR SUBDIVISION – PUBLIC HEARING

Robert W. Claytor requests approval of a five-lot major subdivision of Tax Map Parcel 28-A-20B, located at 8153 John Mosby Highway, zoned Highway Commercial, CH, Greenway Magisterial District. S-09-01

Mr. Russell explained this request. He stated that since the December meeting, staff has met with the applicant's engineer to address Planning Commission comments to clarify the access to the proposed lots along Route 50 and to note that storm water management would be addressed during the site plan process for each lot as it is developed. He distributed copies of VDOT comments to the Planning Commission for their review. Commissioner Caldwell asked the Chair for five minutes to study these comments and the Chair agreed. There being no further Commission comments, Chair Ohrstrom asked for public comments.

Niki Adhikusuma, Greenway Engineering, agent for Mr. Claytor, was present and gave a brief presentation of the proposed project. He answered questions from the Commission and addressed their concerns about access to the proposed lots along Route 50.

Ken Rice, Chief Operating Officer for Funkhouser Oil, was present and stated that he wanted to thank Mr. Russell and all the other individuals involved in this project for their hard work. He stated that currently no lots have been sold.

Mr. Russell stated that the applicant has agreed to the following:

1. to provide his share of the cost of installing signal lights on Route 340 and Route 50 as may be needed in accordance with VDOT traffic signal warrants as found in *Chapter 4C: Traffic Control Signal Needs Studies*; and
2. to fully construct Handy Lane (including Route 340 median and turn lane improvements) to VDOT standards for acceptance into the State Secondary Road system before issuance of a Certificate of Occupancy for development on either lots 4, 5 or 6 and that the applicant will notify VDOT and Clarke County for inspections as needed for Handy Lane.

There being no further public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to approve this request on condition that the applicant address all VDOT requirements before the Zoning Administrator signs the Record Plat.

Yes: Brumback, Caldwell (moved), McFillen (seconded), Nelson, Ohrstrom, Steinmetz, and Thuss

No: No one

Absent: Dunning, McKay, and Wade (one position vacant)

ZONING ORDINANCE TEXT – PUBLIC HEARING

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:

Section 3-A-1-a, Permitted Uses and Structures in the AOC Zoning District, so as to change the Special Use “Institutional Uses” to “Community Services” and to show “Churches and other places of religious assembly (with a maximum seating capacity of 500 people)” and “Historic Structure Museums” as Special Uses;

Section 3-A-2-a, Permitted Uses and Structures in the FOC Zoning District, so as to change the Special Use “Institutional Uses” to “Community Services” and to show “Churches and other places of religious assembly (with a maximum seating capacity of 500 people)” and “Historic Structure Museums” as Special Uses;

Section 3-A-3-a, Permitted Uses and Structures in the Rural Residential Zoning District, so as to change the Special Use “Institutional Uses” to “Community Services” and to show “Churches and other places of religious assembly (with a maximum seating capacity of 500 people)” and “Historic Structure Museums” as Special Uses;

Section 3-A-12-a, Permitted Uses and Structures in the Neighborhood Commercial Zoning District, so as to change the Principal Use “Institutional Uses” to “Community Services” and to show “Churches and other places of religious assembly” as a Principal Use;

Section 3-A-13-a, Permitted Uses and Structures in the Highway Commercial Zoning District, so as to change the Principal Use “Institutional Uses” to “Community Services” and to show “Churches and other places of religious assembly” as a Principal Use;

Section 9-B, Definitions, so as to change the term: “Institutional Uses” to “Community Services” and revise the definition of this use and to establish a definition for the terms: “Churches and other places of religious assembly”, “Museums of Historic Structures”, and “Passive Use Public Parks”. TA-10-05

Mr. Johnston explained this request. He said this is an amendment that the Board of Supervisors suggested to address issues related to different types of institutional uses in the rural area of the county. He explained the principal concern of the Board of Supervisors that fostered this amendment: that additional retreat centers like the recently approved Georgetown University facility would negatively affect agricultural activities and the character of the rural area of the county.

Chair Ohrstrom asked for public comments.

There being no public comments, Chair Ohrstrom asked the Commission for their comments.

Commissioner Steinmetz had concerns that this amendment unduly limited a person’s use of their property. He stated he did not believe there was a problem that made these amendments necessary.

Commissioner Thuss stated that he feels we are limiting people’s rights without any reasons. He said that the impact of retreat centers should be evaluated on a case-by-case basis. He questioned why the Holy Cross Abbey could have overnight guests but another organization such as a university can not do this.

Commissioner Brumback asked if someone wanted to do a small facility would this limit his or her chances of being able to do it? He stated that there are farmers that have events on their property at various times throughout the year. He said that these events attract families and groups from urban areas. He asked if this would restrict the farmers from having these events. Chair Ohrstrom stated that as long as they do not spend the night this amendment would not restrict farmers from having these events.

Commissioner McFillen questioned if this amendment would have an impact on non-profit organizations.

Commissioner Caldwell stated that a few members of the Commission approached the Board of Supervisors regarding this amendment and there were several members of the Board that were adamantly opposed to allowing overnight facilities even with conditions.

Michael Hobert, Chair of the Board of Supervisors, was present and spoke on this matter at the request of the Chair. He said he agrees with all the comments that have been brought up today. He stated that he has the same concerns. He stated that he could not speak for the other Board members but he believes that perhaps the Board and the Commission have a different interpretation on this. He said he thinks the Board is concerned that if you leave the door open on a case-by-case basis that this can create a number of problems. He stated that several of the Board members do not want to open up that possibility.

There being no further discussion by the Commission, Chair Ohrstrom called for a motion.

The Commission voted to recommend that the Board adopt the proposed changes.

Yes: Brumback, Caldwell (seconded), McFillen, and Nelson (moved)

No: Ohrstrom, Steinmetz, and Thuss

Absent: Dunning, McKay, and Wade (one position vacant)

Board/Committee Reports

Board of Supervisors

– Pete Dunning

Mr. Johnston reported that the Board of Supervisors approved the text amendment regarding signs at the 2010 December 21 meeting. He stated that the text amendment concerning setbacks, height limits and supplementary regulations for use in various districts was set for public hearing for the next regular meeting of the Board on 2011 January 18. He gave an update on the Double Tollgate process. He said that a \$25,000 grant for this project has been obtained and hopefully there will be more information regarding this matter in the next few weeks. He spoke briefly regarding the 2025 transportation plan. He said that another item that will eventually be coming to the Commission is a proposed citizens trash convenience center, which is planned to be located off of Quarry Road.

Sanitary Authority

– Pete Dunning

No report.

Board of Septic & Well Appeals

– Pete Dunning

No report.

Board of Zoning Appeals

– Anne Caldwell

No report.

Historic Preservation Commission

– Cliff Nelson

Commissioner Nelson stated that the next meeting for the Historic Preservation Commission is scheduled for 2011 January 25 at 8:30 a.m.

Easement Authority

– George Ohrstrom, II

Chair Ohrstrom stated that there was a misleading article in the Winchester Star about the Easement Authority. He stated that a rebuttal to that article was sent in to the paper. Commissioner Caldwell stated that on the Channel 3 news there was a clip with Alison Teetor talking about the Easement Authority.

Staff Reports

Natural Resource Activities

– Alison Teetor

No report.

Enforcement Officer

– Nancy Olin


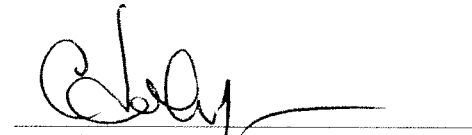
Clarke County Planning Commission

Regular Meeting Minutes
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Ms. Olin's progress reports for 2010 November 29 thru 2011 January 3 were reviewed.

There being no further discussion, the meeting was adjourned at 10:20 a.m. until the next regular meeting of the Commission on 2011 February 4.


George L. Ohrstrom, II, Chair
Charles Johnston, Clerk

Minutes prepared by Debbie Bean, Recording Secretary